

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**UNITED STATES OF AMERICA**

**vs.**

**ERIC SEBASTION BARROW,**

**Defendant.**

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**CRIMINAL CASE NO. 09-00179-KD-C**

**ORDER**

This matter is before the court on consideration of the defendant's motion to continue trial (Doc. 13), to which the Government does not object.

Upon consideration of the grounds presented, including the information presented during the pretrial conference on November 10, 2009, the court finds that the defendant, who is not in custody, will not be unduly prejudiced by a continuance to the next term; therefore, the defendant's motion is **GRANTED**, and the trial is **CONTINUED** to the January 2010 criminal trial term.

The court further finds that pursuant to 18 U.S.C. § 3161(h)(7)(A), "the ends of justice served by taking such action outweighs the best interest of the public and the defendant in a speedy trial." The defendant has recently been arraigned and Mr. McCleave was appointed to represent him on October 7, 2009. Mr. McCleave has determined that given the nature of the charges and his client's health condition, there is a need to consult a psychologist for examination and testing purposes. His CJA request for the authorization of funds to retain an expert (Doc. 11) is pending. See 19 U.S.C. § 3161(h)(7)(B)(iv). Therefore, for purposes of the Speedy Trial Act, any delay resulting from this continuance is excludable pursuant to 18 U.S.C.

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3161(h)(7)(A) (excluding “[a]ny period of delay resulting from a continuance granted by any judge . . . if the judge granted such continuance on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.”)

The motion to continue does not contain the defendant’s waiver of his speedy trial objections with respect to a new trial schedule. Accordingly, such a waiver is to be filed no later than November 18, 2009. The Clerk of the Court is directed to refer this matter to the appropriate Magistrate Judge to schedule a new pretrial conference.

**DONE AND ORDERED** this 10<sup>th</sup> day of November, 2009.

s/WILLIAM E. CASSADY  
UNITED STATES MAGISTRATE JUDGE